

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

INDECK KEYSTONE
ENERGY, LLC, a Delaware limited liability
company,

Plaintiff,

v.

VICTORY ENERGY
OPERATIONS, LLC, a Delaware limited
liability company,

Defendant.

CIVIL ACTION

NO. 04-CV-325 (ERIE)

Judge Sean J. McLaughlin

JOINT STIPULATION OF DISMISSAL PURSUANT TO RULE 41(a)(1)

Plaintiff Indeck Keystone Energy, LLC and Defendant Victory Energy Operations LLC,
by and through their undersigned counsel, hereby stipulate to a dismissal of this action with
prejudice pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure as a result of a full
and complete settlement between the parties reached on May 16, 2007.

SO AGREED:

/s/ Christopher T. Sheean
Christopher T. Sheean
Wildman Harrold Allen & Dixon LLP
225 W. Wacker Drive
Suite 2800
Chicago, Illinois 60606

*Counsel for Defendant
Victory Energy Operations LLC*

Dated: July 10, 2007

/s/ John K. Gisleson
John K. Gisleson
Schnader Harrison Segal & Lewis LLP
Fifth Avenue Place, Suite 2700
120 Fifth Avenue
Pittsburgh, PA 15222-3001

*Counsel for Plaintiff
Indeck Keystone Energy, LLC*

Dated: July 10, 2007

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ORDER

AND NOW, this _____ day of July, 2007, upon consideration of the Joint Stipulation of Dismissal Pursuant to Rule 41(a)(1), it is hereby ORDERED, DECREED AND ADJUDGED that this case is DISMISSED WITH PREJUDICE.

BY THE COURT:

McLaughlin, J.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Joint Stipulation of Dismissal Pursuant to Rule 41(a)(1) was served upon the following counsel of record by the CM/ECF electronic filing system on the 10th day of July, 2007:

Christopher T. Sheean, Esquire
Matthew Garrett, Esquire
Wildman, Harrold, Allen & Dixon LLP
225 West Wacker Drive
Suite 2800
Chicago, IL 60606

/s/ John K. Gisleson
John K. Gisleson